THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22471 of 1998

ORAL ORDER:

This writ petition is filed being aggrieved by the order passed in Application No.28 of 1995 dated 30.6.1998 by the Authority under Minimum Wages Act.

The petitioner is the management (opponent) and the second respondent is the Assistant Labour Officer, Nizamabad. It appears, when the second respondent inspected the premises of the petitioner, it was found that the petitioner was paying wages less than what the workers are entitled for as per G.O.Ms.No.38 dated 12.3.1993. The petitioner seems to have treated them as unskilled workers, whereas the authority found them as skilled workers. Therefore, the second respondent filed an application seeking minimum wages for the workers in the petitioner workshop. As per G.O.Ms.No.38 dated 12.3.1993, the employees working in Metal Foundry and General Engineering in the State of A.P. and the nature of duties attended thereto were treated as skilled workers therefore, they are entitled for minimum wages. Whereas, it appears that the petitioner was paying less than the minimum wages to his workmen, therefore, the difference of wages amounting to Rs.28,663.50 ps. were directed to be paid by him. I am of the opinion that no question of law arises for consideration in this writ petition calling for interference into the order passed by the Authority under Minimum Wages Act in asking the petitioner to deposit Rs.28,663.50 ps. But however, I am of the view that imposing compensation with further penalty of two times is most unreasonable in a case of this nature.

For the purpose of awarding compensation, the authority gave reasons that it is not the case of the petitioner/opponent that his firm will not fall in the categories named in the G.O., but his only contention was that there are no skilled workers in his firm, which means that the minimum wages need not be paid to other categories than skilled workers and as

such he did not pay the minimum wages to the workers in whose favour the Assistant Labour Officer preferred the present claim. The conduct of the opponent in making false allegations against a Government Officer and his failure to atleast find out from the Inspector concerned as to payment of minimum rates of wages to the workmen clearly establishes his negligence.

May be, the petitioner has misunderstood the G.O., but that does not mean that for every thing, he should seek clarification from the Inspector concerned. Further, the period of claim was from 1.5.1995 to 30.10.1995 and immediately thereafter, the claim petition was filed vide Application No.28 of 1995 before the Authority under Payment of Wages Act. There was no much delay even in payment of minimum wages and the impugned order to that extent is set aside. Therefore, I am of the opinion that awarding of two times compensation (penalty) by the authority is unwarranted in the facts and circumstances of the case. However, the order passed directing to deposit difference of minimum wages is upheld. The amounts, which were already deposited by the petitioner before the authority shall be permitted to be withdrawn by the respective workmen without furnishing any security

With the above modification, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 13.6.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22471 of 1998

13.6.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.22471 of 1998

Date: 13th June, 2007

Between:

Pandith Rao

.. Petitioners

And

The State, rep. by its
Assistant Commissioner of Labour,
Nizamabad & another.

.. Respondents